IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1664 OF 1996

1. Tata Housing Development Company Ltd., a company incorporated under the provisions of the Indian Companies Act, 1913 and having its registered office at Bombay House, 24, Homi Modi Street, Bombay - 400 001.

2. Mr.Sharokh Ardeshir Sabavala of Bombay Indian Inhabitant having his office at Bombay House, 24, Homi Mody Street, Bombay 400 001. .. Petitioners

Vs.

1. The State of Maharashtra,

2. Controller of Accommodation, having his office at Office of the Controller of Accommodation, Barack No.8, Free Press Journal Marg, Bombay - 400 032.

3. The Accommodation Officer, having his office at the Office of the Controller of Accommodation, Barrack No.8, Free Press Journal Marg, Bombay 400 032.

4. Mr.S.S.Jain of Bombay, Indian Inhabitant residing at Flat No.207, B Wing Aradhana Co-operative Housing Society Ltd., Naigaum, Bombay 400 014. .. Respondents

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Shri P.D.Ghandy with R.J.Majra i/b M/s.Wadia Ghandy & Co.for the petitioners.

Ms S.M.Dandekar, AGP for Respondent Nos.1 to 3.

None present for the Respondent No.4, though served.

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CORAM : R.M.S.KHANDEPARKAR &
V.M.KANADE, JJ.

DATED : 13TH SEPTEMBER, 2005.

ORAL JUDGMENT: (Per R.M.S.Khandeparkar, J)

1. Heard. This writ petition was filed inter alia seeking the withdrawal and/or cancellation of an Order dated 4th October, 1951 issued by the Government of Bombay under Section 6(4)(b) of the Bombay Land Requisition Act, 1948, in respect of the premises owned by the petitioners viz. Room No.10 at Tata Colony, G.D.Ambekar Marg, Parel Tank Road, bombay- 400 012. By the said order, consequent to requisition of the said premises, the respondent No.1 directed the landlord of the said premises to let out the said premises to Commissioner of Police which was duly complied with. The respondent No.4 is the employee of Respondent No.1 in the Police Department.

2. By virtue of Maharashtra Act XIV of 1997 viz. The Bombay Rents, Hotel, Lodging House Rates Control,

Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1997" all the premises requisitioned or continued under requisition under the "Bombay Land Requisition Act, 1948" were inter alia deemed to have been released from requisition and the allottees in occupation or possession of the allotted premises for their own residence were deemed to have become the tenants of the landlords. Sub-section (2) of Section 3 of Act XIV of 1997 however secured the rights of the landlord inter alia to recover possession of the premises from such tenants in accordance with law. The vires of Maharashtra Act XIV of 1997 has been upheld by the Supreme Court of India on 18th February, 2003 in the case of **Welfare Association A.R.P.Maharashtra & Anr. v. Ranjit P.Gohil & Ors.,** reported in AIR 2003 SC 1266 by reversing the contrary view taken by this Court.

3. The petitioners herein are admittedly the owners in relation to the said premises, and therefore, the landlords in terms of the decision referred to above. Similar issue has arisen in another Petition bearing Writ Petition No.1665 of 1996 which has also been decided today by us and various points sought to be raised threin as well as in this petition, have been discussed in detail in that

petition. For the reasons stated in the said decision, it is not necessary to reiterate all those arguments and the findings therein, suffice to say that for the reasons stated therein, the present petition is also liable to dismissed as the facts and the contentions sought to be raised in this petition are similar.

4. The petition accordingly is hereby dismissed. Rule is discharged with no order as to costs.

(R.M.S.KHANDEPARKAR, J)

(V.M.KANADE, J)